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BYRON'S MARLOW, PRINTER, DENVER

AN ORDINANCE

Adopting the Constitution of the United States, and accepting certain conditions in the Enabling Act:

WHEREAS, The Congress of the United States, in an act approved March 21st, 1864, and entitled "An Act to enable the people of Colorado to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," which said act provided for the election of Delegates to a Convention to frame a Constitution, and required them, when so assembled and organized, to "declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States"—

"And provided further, That said Convention shall provide by Ordinance, irrevocable without the consent of the United States, and the people of said State,"—

"First, That there shall be neither slavery nor involuntary servitude in the said State, otherwise than for the punishment of crimes whereof the party shall have been duly convicted,

"Second, That perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property, on account of his or her mode of religious worship.

"Third. That the people inhabiting said Territory, do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said State shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said State on lands or property therein, belonging to, or which may hereafter be purchased by the United States:—

Now, therefore, this Convention, duly

elected by the people of Colorado, under and in accordance with the provisions of said Act of Congress, being duly organized, do hereby, on behalf of, and by the authority of the people of said Territory of Colorado, adopt the Constitution of the United States, and accept all of the foregoing propositions

Furthermore. We do declare by the authority of, and in behalf of the people of the Territory of Colorado, and ordain by this ordinance irrevocable, except upon the above conditions, that there shall be neither slavery nor involuntary servitude in the State of Colorado, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that the people inhabiting said Territory of Colorado, do agree and declare that they forever disclaim all right and title to the unappropriated lands lying within said Territory, and that the same shall be and remain at the sole and entire disposal of the United States; and that lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by said State on lands or property therein belonging to, or which may hereafter be purchased by the United States.

By Unanimous order of the Convention, at Golden City, July 4th, 1864.

O. A. WHITTEMORE,
President

WILLIAM N. BYERS,
Secretary pro tem.

CONSTITUTION.

PREAMBLE.

We, the people of Colorado, grateful to Almighty God for our civil liberty and religious privileges, in order to ensure the full enjoyment of our rights as American citizens, do make, ordain and establish this Constitution of the State of Colorado, with the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-seventh degree of north latitude with the twenty-fifth degree of longitude west from Washington, extending thence due west along said thirty-seventh degree of north latitude to a point formed by its intersection with the thirty-second degree of longitude west from Washington, thence due north along said thirty-second degree of west longitude to a point formed by its intersection with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington, thence due south along said twenty-fifth degree of west longitude to the place of beginning.

ARTICLE I.

BILL OF RIGHTS

Sec. 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty and the pursuit of happiness.

Sec. 2. All political power is inherent in the people and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.

Sec. 3. The people have the right to

assemble, in a peaceful manner to consult for their common good, to instruct their Representatives, and to petition the Government, or any part thereof for the redress of grievances.

Sec. 4. The people have the right to bear arms for their own defense and security, but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall at all time be in strict subordination to the civil power.

Sec. 5. The right of trial by jury shall be inviolate. All courts shall be open; and every man, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely and without purchase, completely, and without denial; speedily, and without delay. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

Sec. 6. Slavery shall never exist, nor involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

Sec. 7. The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall preference be given by law to any religious denomination. No religious test, or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of his religious belief, except he be a professed atheist.

Sec. 8. The right to the writ of *habeas corpus* shall not be suspended.

Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offences, where proof is evident, or the presumption great. Excessive bail shall not be required, nor excessive fines im-

posed, nor cruel or unusual punishments inflicted.

Sec. 10. In all prosecutions, the accused shall be allowed to appear and defend in person, and by counsel; to demand the nature of the accusation against him, to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed. No person shall be a witness against himself in criminal cases, nor be twice put in jeopardy for the same offence.

Sec. 11. In all criminal cases, whatever, the jury shall have the right to determine the law and facts.

Sec. 12. The liberty of speech and of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such right; and in all civil or criminal actions for libel, the truth of the allegations may be given in evidence as justification of the same.

Sec. 13. No person shall be transported from the State for any offence committed against its laws within the same, and no conviction within the State shall work a forfeiture of estate or corruption of blood.

Sec. 14. Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason except upon the evidence of two witnesses to the same overt act, or confession in open court.

Sec. 15. No soldier shall, in time of peace, be quartered in the house of any citizen without his consent, nor in time of war, except as prescribed by law.

Sec. 16. The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation of one or more witnesses, particularly describing the place to be searched, and the persons or property to be seized.

Sec. 17. No person shall be imprisoned for debt except in case of fraud.

Sec. 18. No distinction shall ever be made between citizens and aliens in reference to the purchase, enjoyment, or descent of property.

Sec. 19. No hereditary emoluments, titles of nobility, extraordinary honors or privileges, shall ever be granted or conferred by the State.

SEC. 20. This enumeration of rights shall not be construed to impair, restrain, or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II.

SUFFRAGE.

SECTION 1. Every white male citizen, of the age of twenty-one years and upwards, who is by birth, or has become by naturalization, or by treaty, or shall have declared his intention to become a citizen of the United States according to the laws thereof, and who shall have resided in the State of Colorado for six months next preceding any election, and in the township or ward in which he offers to vote for at least thirty days next preceding such election, shall be deemed a qualified elector and entitled to vote at the same, *except*,

First. No person who is insane, or an idiot; nor any person convicted of treason or felony, unless restored to civil rights; nor any person who shall refuse to take an oath of allegiance to the Government of the United States, shall be allowed to vote.

Second: No soldier, seaman or marine, in the regular army or navy of the United States, or their allies, shall be deemed to have acquired a residence in the State in consequence of being stationed therein, nor shall any regular soldier, seaman or marine have the right to vote; *Provided*, That all citizens of the State who may enlist in the volunteer service of the United States, or who whilst citizens of the Territory of Colorado, may have enlisted in the said service of the United States, shall be entitled to and retain their full rights as citizens and qualified electors during the time they shall continue in such service.

Sec. 2. Electors, during their attendance at elections, and in going to or returning therefrom, shall be privileged from arrest, except for treason, felony or a breach of the peace; and they shall be exempt from military duty, and from the service of civil process.

Sec. 3.—Electors shall be entitled to vote in any precinct within the State for President and State officers, and in any precinct within their county for county officers.

ARTICLE III.

ELECTIONS.

Sec. 1. All elections by the qualified electors shall be free and equal, and the vote shall be by ballot.

Sec. 2. General State elections, and all others by the people, shall be held at such times and under such regulations as may be prescribed by law, except the first general election, which shall be fixed by this Convention.

Sec. 3. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry such a challenge to another, or shall go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Sec. 4. Every person who shall have given or offered a bribe to procure his election, or who shall have laid a wager upon the result of the same, shall be disqualified from holding office during the term for which he may have been elected.

ARTICLE IV.

DISTRIBUTION OF POWERS.

Sec. 1. The powers of the Government are divided into three separate parts: the Legislative, Executive—including the Administrative—and the Judicial; and no person charged with official duties under one of the departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.

Sec. 2. All officers shall, before entering upon their respective duties, take and subscribe an oath or affirmation to support the Constitution of the United States, and the Constitution of the State, and faithfully discharge the duties of their respective offices.

ARTICLE V.

LEGISLATIVE.

Sec. 1. The law making power shall be vested in the Legislative Assembly, which shall consist of a Senate and House of Representatives. The style of every law shall be; "Be it enacted by the Legislative Assembly of the State of Colorado;" and no law shall be enacted except by bill.

Sec. 2. The Senate shall consist of thirteen members, and the House of Representatives of twenty-six members; which respective numbers, may be increased, not more than one third, after the year 1870, and each six years thereafter, until the whole number of members shall reach thirty-nine in the Senate and seventy-eight in the House of Representatives, which respective numbers shall in no case be exceeded. Members of the Senate shall not be under twenty-five; nor members of the House

of Representatives under twenty-one years of age, and they shall be elected at the regular annual election, by the electors of the respective counties or districts into which the State may, from time to time be divided; *Provided*, that for the first election, and until the State is so divided into election districts by law, the apportionment for election purposes shall be the same as now enacted by the Legislative Assembly of the Territory of Colorado, and the members of the House of Representatives of the Territory of Colorado, to be elected at the next general Territorial election, shall be members of the first House of Representatives of the Legislative Assembly of the State of Colorado.

Sec. 3. No person shall be a member of the Legislative Assembly who is not at the time of his election, a citizen of the United States, and a resident in, and a qualified voter of the county or district for which he is elected.

Sec. 4. No member of Congress, nor civil officer of the United States, shall be eligible to a seat in the Legislative Assembly, except postmasters whose compensation does not exceed two hundred dollars per annum. If any person after his election to the Legislative Assembly, shall be elected to Congress, or shall receive an appointment to any office under the United States, his acceptance of the same shall vacate his seat.

Sec. 5. No person convicted of embezzlement, or misuse of the public funds, shall have a seat in the Legislative Assembly.

Sec. 6. Senators shall be elected for two years, and Representatives for two years from the day next after their general election.

Sec. 7. The sessions of the General Assembly, except the first, shall be held biennially, at the capital of the State, commencing on the Thursday next after the first Monday in January, in the year one thousand eight hundred and sixty-seven, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But, if in the opinion of the Governor, the public welfare shall require it, he may at any time by proclamation call a special session.

Sec. 8. All vacancies occurring in either House shall be filled, for the unexpired term, by election.

Sec. 9. A majority of each House shall constitute a quorum for the transaction of business; but a smaller number may meet from day to day, and compel the attendance of absent members.

Sec. 10. Each House, when assembled, shall choose its own officers, (the President of the Senate only excepted,) shall establish its own rules, and shall be the judge of the elections, returns and qualifications of its own members; but neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

Sec. 11. Each House shall keep and publish a journal of its proceedings. All bills and joint resolutions shall be passed by a vote of ayes and nays, which shall be taken and entered immediately upon the journal, upon the passage thereof.

Sec. 12. Bills may originate in either House, but may be rejected or amended by the other. A majority of a quorum in each House, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

Sec. 13. Any member of either House shall have the right to protest against any bill or resolution; and such protest shall without delay or alteration be entered on the journal.

Sec. 14. Every bill shall be read by sections, on three several days, in each House; unless in case of emergency, two-thirds of the House where such bill may be pending, shall by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with.

Sec. 15. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in its title, such act shall be void, only as to so much thereof as shall not be expressed in the title.

Sec. 16. Every act and joint resolution shall be plainly worded, avoiding as far as practicable, the use of technical terms.

Sec. 17. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

Sec. 18. The General Assembly shall not pass local or special laws, in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of Justices, of the Peace, and of Constables.

For the punishment of crimes and misdemeanors.

Regulating the practice in Courts of Justice.

Providing for changing the venue in civil and criminal cases.

Granting Divorces.

Changing the names of persons.

For laying out, opening and working on highways, and for the election or appointment of Supervisors.

Vacating roads, town plats, streets, alleys and public squares.

Summoning and empannelling, grand and petit juries, and providing for their compensation.

Regulating county and township business.

Regulating the election of county and township officers, and their compensation.

For the assessment and collection of taxes for State, County, Township or Road purposes.

Providing for supporting common schools, and for the preservation of school funds.

In relation to interest on money.

Providing for opening and conducting the elections of State, county or township officers, and designating the places of voting.

Providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

Sec. 19. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

Sec. 20. Provision may be made, by general law for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special act, authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

Sec. 21. Every Statute shall be a public law, unless otherwise declared in the Statute itself.

Sec. 22. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the Legislative Assembly, nor shall he be appointed to any civil office of profit which shall have been created or the emoluments of which shall have been increased during such term, but this latter provision shall not be construed to apply to any office elective by the people.

Sec. 23. The Legislative Assembly shall, at its first session, provide for an enumeration of all male inhabitants over the age of twenty-one years, to be made between the first day of July and the thirty-first day of December, 1866, and every six years thereafter; upon the returns of which enumeration the session of the Legislative Assembly next following each period thereof shall fix by law and apportion the number of Senators and Representatives among the several counties or districts to which each is entitled according to the number of white male inhabitants above twenty-one years of age in each.

Sec. 24. Every bill and joint resolution passed by the Legislative Assembly shall, within two days thereafter, be signed by the presiding officers and presented to the Governor. If he approves it, he shall sign it; but if not, he shall return it to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider the same. If, after such reconsideration, two-thirds of the members elected shall agree to pass the bill or resolution, it shall be sent with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected, it shall become a law. If any bill shall not be returned within three days, (Sundays excepted,) after it shall have been presented to the Governor, it shall become a law in like manner as if he had signed it, unless the Legislative Assembly, by its adjournment, prevent its return, in which case it shall not become a law.

Sec. 25. No member of the Legislative Assembly shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

ARTICLE VI.

EXECUTIVE AND ADMINISTRATIVE.

Sec. 1. The executive and administrative department shall consist of a Governor, Lieut. Governor, (who shall be President of the Senate) Secretary of State who shall also perform the duties of State Auditor, Treasurer, Attorney-General, and Superintendent of public instructions and Librarian, who shall be chosen by the Electors of the State at the time of holding General Elections in each year designated by even numbers. And shall hold their offices for the term of two years from the first Monday in January next after their election, and until their successors are elected and

qualified, except those first elected who shall enter upon the duties of their respective offices, as soon as the State is admitted by proclamation of the President.

Sec. 2. Until otherwise provided by law, an abstract of the returns of every election for the officers named in the foregoing section, shall be sealed up and transmitted by the Clerks of the boards of canvassers of the several counties to the Secretary of State, who with the State Treasurer and Attorney General shall constitute a board of State Canvassers, whose duty it shall be to meet at the State Capitol on the 2d Tuesday of December succeeding each election for State officers, and canvass the vote for such officers and proclaim the result, but in case any two or more have an equal and the highest number of votes be Legislative Assembly shall by joint ballot choose one of said persons so having an equal and the highest number of vote for said offices.

Sec. 3. The Supreme Executive power of the State shall be vested in the Governor, who shall see that the laws are faithfully executed.

Sec. 4. No member of Congress or person holding any office in the United States, or of this State, shall exercise the office of Governor. The Governor shall, at stated times, receive for his services a compensation, which shall be neither increased or diminished during the term for which he shall have been elected.

Sec. 5. The Governor and Lieut. Governor shall be at least thirty years of age, and shall have been citizens of this State for one year next preceding their election, unless they shall have been absent on public business of the United States or this State.

Sec. 6. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the active service of the United States.

Sec. 7. The Governor may, on extraordinary occasions, convene the Legislative Assembly by proclamation, and shall, at the commencement of every session, communicate in writing such information as he may possess in reference to the condition of the State, and recommend such measures as he may consider expedient.

Sec. 8. In cases of disagreement between the two houses, in respect to the time of adjournment, the Governor may adjourn the Legislative Assembly to

such time as he may think proper, not beyond its next regular meeting.

Sec. 9. The Governor shall have power to grant reprieves and pardons, except in cases of impeachment and treason.

Sec. 10. There shall be a seal of the State, which shall be kept by the Secretary of State, and used by him officially and which shall be the Great Seal of Colorado.

Sec. 11. All commissions, shall be issued in the name of the State of Colorado, signed by the Governor, countersigned by the Secretary of State, and sealed with the great seal.

Sec. 12. In case of death, impeachment, resignation, removal or other disability of the Governor, the powers and duties of the office, for the residue of the term or until the disability shall be removed, shall devolve upon the President of the Senate.

Sec. 13. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a President pro tempore to preside in case of his absence or impeachment, or when he shall hold the office of Governor.

Sec. 14.—If the Lieutenant Governor, whilst holding the office of Governor, shall be impeached, or displaced, or shall resign, or die, or otherwise become incapable of performing the duties of the office, the Speaker of the House of Representatives shall act as Governor until the vacancy is filled, or the disability removed; and if the Speaker of the House of Representatives shall be rendered incapable by death, or otherwise, of performing the duties pertaining to the office of Governor, the same shall devolve upon the Secretary of State.

Sec. 15.—Should either the Secretary of State, Treasurer, Attorney General, or Superintendent of Public Instruction and Librarian become incapable of performing the duties of his office, for any of the causes specified in the fourteenth section of this article, the Governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after it shall have happened, and the person shall hold the office for the unexpired term.

Sec. 16.—The officers of the executive department and of all public State institutions, shall, at least ten days preced-

ing each regular session of the Legislative Assembly, severally report to the Governor, who shall transmit such reports to the Legislative Assembly.

ARTICLE VII.

JUDICIARY.

Sec. 1.—The Court for the trial of impeachment, shall be composed of the Senate. The House of Representatives shall have the power of impeaching all civil officers of this State for corrupt conduct in office, or for crimes or misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment of the Governor, the Lieutenant Governor shall not act as a member of the Court. Before the trial of an impeachment, the members of the Court shall take an oath or affirmation, truly and impartially to try the impeachment according to evidence, and no person shall be convicted without the concurrence of two thirds of the members present. Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the State; but the party impeached shall be liable to indictment, trial and punishment, according to law.

Sec. 2.—The judicial powers of this State, both as to matters of law and equity, shall be vested in a Supreme Court, Circuit Courts, Probate Courts, and Justices of the Peace, and such other and inferior Courts as may hereafter be created by law.

Sec. 3.—The Supreme Court, except in cases otherwise provided for in this Constitution, shall have appellate jurisdiction only, which shall be co extensive with the State; but in no cases removed to the Supreme Court shall a trial by jury be allowed. The Supreme Court shall have a general superintending control over all inferior Courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, and other original remedial writs, and to hear and determine the same.

Sec. 4.—The Supreme Court shall, for the term of six years, and thereafter until the Legislative Assembly shall otherwise provide, consist of three (3) Judges, to be elected by general ticket, who shall hold the office for six (6) years; and until their

successors are elected and qualified, except the judges first elected; who shall at the first session of the Supreme Court provide by lot that one of their number shall hold his office for two (2) years, one for four (4) years, and one for six (6) years; and at each general election thereafter, there shall be elected by the qualified electors of the State, one judge of the Supreme Court.

Sec. 5. For the term of six years and thereafter, until the Legislative Assembly shall otherwise provide, the judges of the supreme court shall hold the several circuit courts of the State, and it shall be the duty of the Legislative Assembly, at its first session under this Constitution, to divide the State into three (3) judicial circuits, which shall be composed of contiguous territory, be bounded by county lines and contain a population as nearly equal as may be practicable, and shall assign one of said judges to each of such circuits, and said judges shall reside in the respective circuits to which they have been assigned, during their continuance in office.

Sec. 6. The supreme court and the several circuit courts of this State shall be held at such time and place as may be prescribed by law; but the judges of said courts may hold special terms thereof, under such restrictions as the Legislative Assembly may prescribe.

Sec. 7. The Legislative Assembly shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two (2) years, and whose duties and compensation shall be provided by law; but no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy exceeds two hundred (200) dollars, nor in any criminal case where the judgment shall exceed three months imprisonment or a fine of over one hundred dollars, nor in any case involving the title to real estate.

Sec. 8. The circuit courts shall have original jurisdiction in civil cases, both in law and equity, and in all criminal cases where the proceeding shall be by indictment, or where the punishment shall exceed one month's imprisonment or a fine of more than twenty five dollars; and shall have such appellate jurisdiction as may be prescribed by law. The Legislative Assembly may provide by law that

the judge assigned to one circuit, may discharge the duties of the judge of any other circuit not his own, when convenience and public interest may require it.

Sec. 9. The Judges of the Supreme Court may in vacation, issue writs of habeas corpus, injunction and writs of mandamus to inferior courts.

Sec. 10. There shall be chosen by the qualified electors of the State, one Clerk of the Supreme Court, who shall hold his office for two years, or until his successor is duly elected and qualified, and he shall receive such fees for his services as the Legislative Assembly may provide. The Judges of the Supreme Court, or a majority of them, shall have the power to fill any vacancy in the office of Clerk of the Supreme Court, until an election can be regularly held.

Sec. 11. There shall be established in each county a Probate Court which shall be a court of record, and be held at such time and place as may be prescribed by law. It shall be held by one Judge, who shall be elected by the voters of the county, and hold his office for the term of two years. He shall be a resident of the county at the time of his election, and shall reside there during his continuance in office. The Recorder of deeds of each county shall be clerk of the Probate Court. The compensation of such Probate Judge shall be such fees as may be provided by law. The Probate Court shall have such jurisdiction as the Legislative Assembly may confer; *Provided* said Probate Court shall have no jurisdiction in any case where the matter in controversy exceeds the sum of one thousand dollars, except in cases concerning the estates of deceased persons and persons under guardianship, and in such cases the said Court shall have unlimited jurisdiction.

Sec. 12. In case the office of any Judge shall become vacant before the expiration of the term for which he was elected, the vacancy shall be filled by appointment by the Governor until his successor is elected and qualified, and such successor shall be elected at the first general election that occurs more than thirty days after the vacancy shall have occurred.

Sec. 13. Legal pleadings in this State shall be under the control of the Legislative Assembly. The style of all process shall be the "State of Colorado," and all

indictments shall conclude "against the peace and dignity of the State of Colorado."

Sec. 14. The Legislative Assembly shall provide for a docket fee in all civil cases, to be collected as other costs of suit. The docket fee in the District court shall not be less than three, nor more than five dollars, and in the supreme court shall not be less than ten dollars, nor more than fifteen dollars; but no docket fee shall be required in any case commenced before a justice of the peace. The clerks of the several circuit and supreme courts shall collect such fees and transmit the same quarterly to the Secretary of State (with a true statement, under oath, of the number of cases in said court,) and the Secretary of State shall pay the same to the Treasurer of the State: but nothing herein shall be so construed as to prevent the Legislative Assembly from passing equitable laws to enable poor persons to prosecute and defend suits in any of the courts of this State, free of costs.

Sec. 15.—The Judges of the Supreme Court, during the term for which they shall be elected, shall hold no office under the United States, nor any other office under this State; and all votes for either of them for an elective office under this Constitution, except a judicial office given by the Legislative Assembly, or people, shall be void.

Sec. 16.—Judges shall not charge juries with respect to matters of fact, but may instruct them as to the law.

ARTICLE VIII.

FINANCE.

Sec. 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the Legislative Assembly shall prescribe. The Legislative Assembly shall have the power to exempt from taxation the property of Educational, Literary, Scientific, Religious or Charitable Institutions. A Poll tax may be levied but it shall not exceed the sum of Two Dollars.

Sec. 2. No money shall be paid out of the treasury, except in pursuance of an appropriation by law.

Sec. 3. The Credit of the State shall never be given or loaned in aid of any individual, association or corporation. The State shall never contract any public debt, except in the case herein provided.

Sec. 4. For the purpose of defraying extraordinary expenditures, the State may contract public debts, but such debts shall not exceed the sum of "fifty thousand dollars." The money thus raised shall be applied exclusively to the object for which the loan was authorized. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein, and the vote of two thirds of all the members present in each house to be taken by yeas and nays, shall be necessary to the passage of such a law, and every such law shall provide for the payment of said debt within five years from the passage thereof.

Sec. 5. The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal improvement, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works, in aid of their completion.

Sec. 6. No scrip, certificate, or other evidence of State debt whatsoever, shall be issued, except for such debts as are authorized by the fourth section of this article.

Sec. 7. The Legislative Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year.

Sec. 8. An accurate statement or report of the receipts and expenditures of the public money shall be published with the laws of each regular session of the Legislative Assembly.

Sec. 9. Every law which imposes, continues or renews a tax, shall state distinctly the tax and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE IX.

COMPENSATION.

Sec. 1.—The Governor shall be allowed a salary of one thousand dollars per year.

Sec. 2.—The Lieutenant Governor shall receive as presiding officer of the Senate, the sum of five dollars per day during the session of that body, and the same allowance for mileage in going to and returning from the capitol as is allowed to other members of the Legis-

lative Assembly. In case he becomes acting Governor, he shall be entitled to the same salary herein allowed to the Governor, for the time served.

Sec. 3.—The Secretary of State shall be entitled to an annual salary of one thousand dollars.

Sec. 4.—The State Treasurer shall be entitled to an annual salary of five hundred dollars.

Sec. 5.—The Superintendent of Public Instruction and Librarian shall be entitled to an annual salary of one thousand dollars.

Sec. 6.—The Attorney General shall be entitled to an annual salary of four hundred dollars.

Sec. 7.—The Judges of the Supreme Court shall each receive an annual salary of three thousand dollars.

Sec. 8. Members of the Legislative Assembly shall be entitled to receive as per diem, each three dollars per day during the sitting of that body, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the Legislative Assembly on the most usual route; *Provided*, That any member who fails to attend such session, shall receive no payment. The presiding officers, Chief Clerk and Sergeant-at-Arms of the respective houses, shall each receive the sum of five dollars per day. *And provided further*, That no member of the Legislative Assembly shall receive more than one hundred and twenty dollars in per diem for any one session of that body; except the presiding officers of the respective Houses, who may receive in per diem for each session, not more than two hundred dollars each.

Sec. 9. Salaries of State Officers and Judges shall be paid quarterly. Members and officers of the Legislative Assembly at the close of each session.

Sec. 10. The Legislative Assembly shall never grant any extra compensation to any public officer, agent, servant or contractor, after the services shall have been rendered or contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

Sec. 11. The Legislative Assembly shall make such appropriations from time to time as shall be deemed necessary to defray incidental expense, ever keeping in view the necessity of a most rigid economy.

ARTICLE X.

STATE BUILDINGS AND LANDS.

Sec. 1.—The Legislative Assembly

shall, at the earliest practicable period, proceed to have the lands granted by Congress located, and to guard them with watchful care until a favorable period arrives to dispose of them with advantage to the State, when the proceeds shall be economically applied to the purposes indicated in the Enabling Act; *Provided*, that no portion of the proceeds of the lands granted for the purpose of erecting Public Buildings shall be expended until the capitol is permanently located by competent authority.

ARTICLE XI.

STATE INSTITUTIONS.

Sec. 1. Institutions for the benefit of the insane, blind, deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, whenever the public finances will warrant an outlay, subject to such regulations as may be prescribed by law. Trustees of such benevolent institutions, as may be hereafter created, shall be appointed by the Governor, by and with the advice and consent of the Senate, and upon all nominations made by the Governor, the question shall be taken in yeas and nays.

Sec. 2. A Penitentiary shall be established as soon as means sufficient shall have been collected, from the sale of the public lands, granted by Congress for that purpose, the directors of which shall be elected or appointed as may be prescribed by law.

Sec. 3. The Governor shall fill any vacancy that may occur in the offices aforesaid, until the next session of the Legislative Assembly, and until a successor to his appointee shall be confirmed and qualified.

Sec. 4. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants, who by reason of age, infirmity, or other misfortunes, may have claims upon the sympathy and aid of society.

ARTICLE XII.

CORPORATIONS.

Sec. 1. The Legislative Assembly shall pass no special act conferring corporate powers, except by a three-fourths vote by each House. Corporations may be created under general laws; but all such laws may be amended or repealed.

Sec. 2. Banks of issue are prohibited; no bank bills; bills of credit, or certificates of indebtedness shall be issued for

circulation as money, except such as are authorized by act of Congress.

Sec. 3. The title to all property of religious, educational or charitable incorporations shall vest in trustees, who shall be elected by the members of such corporations.

Sec. 4. No right of way shall be appropriated to the use of any corporation, until full compensation be first made in money, or secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation.

Sec. 5. Provision shall be made by general law for the organization of cities, towns and villages; and their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, shall be so restricted as to prevent the abuse of such power.

Sec. 6. The term corporations, as used in this article, shall include all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships; and all corporations may sue and be sued in their corporate name.

ARTICLE XIII.

MILITIA.

Section 1. The Legislative Assembly shall provide by law for organizing and disciplining the militia in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

Sec. 2. Officers of the militia shall be elected or appointed in such manner as may be provided by law, and shall be commissioned by the Governor.

Sec. 3. The Governor shall be Commander-in-Chief, and shall have power to call out the militia; to execute the laws, to suppress insurrection and to repel invasion.

ARTICLE XIV.

EDUCATION.

Sec. 1. The State Superintendent of Public Instruction, shall have the general supervision of the Common School Funds and Educational interests of the State, and perform such other duties as may be provided by law.

Sec. 2. A Superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law.

Sec. 3. The Legislative Assembly shall encourage the promotion of in-

tellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of higher grade, embracing normal, preparatory, Collegiate and University Departments; but no religious institution of a strictly sectarian character shall receive the aid of the State.

Sec. 4. The proceeds of all lands that have been or may be granted to the State, for the support of schools, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of public lands, among the several States of the Union, approved September 4th, A. D., 1841, and all estates of persons dying without heir or will, and such per centage as may be granted by Congress, on the sale of lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest, and such other means as the Legislative Assembly may provide by tax or otherwise, shall be inviolably appropriated to the support of common schools.

Sec. 5. The income of the State School Fund shall be disbursed annually, by order of the State Superintendent, to the several County Superintendents, and thence to the Treasurers of the several school districts, in equitable proportion to the number of children, resident therein, between the ages of five and twenty-one years; *Provided*, That no school district in which a common school has not been maintained, at least three months in every two years shall be entitled to receive any portion of such funds.

Sec. 6. The Legislative Assembly shall provide for the sale of school lands when authorized by a vote of the people at a general election; but subject to re-valuation every five years.

Sec. 7. All money which shall be paid by persons, as an equivalent for exemption from military duty, the clear proceeds of estrays, ownership of which shall vest in the taker up, and the proceeds of all fines for any breach of the penal laws, shall be exclusively applied in the several Counties in which the money is paid, or the fines collected, to the support of common schools.

Sec. 8. The Legislative Assembly shall provide for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States or any person or persons to this State for

the use of a University; and the funds accruing from the same, or from any other source for the purposes aforesaid, shall be and remain a permanent fund, the interest of which shall be applied, to the support of the said University, for the promotion of literature and the arts and sciences, as may be authorized by the terms of such grants, and it shall be the duty of the Legislative Assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

Sec. 9. The State Superintendent of Public Instruction, Secretary of State and Attorney General shall constitute a board of commissioners for the management and investment of the school funds; any two of said commissioners shall constitute a quorum, but no compensation shall be allowed said officers for services rendered as such commissioners.

ARTICLE XV.

MISSILLAWOODS

Sec. 1.—All officers whose election or appointment is not otherwise provided for, shall be elected or appointed as may be prescribed by law.

Sec. 2.—The tenure of any office not herein provided for, may be declared by law, but the Legislative Assembly shall not create any office the tenure of which shall be longer than two years.

Sec. 3.—Lotteries, and the sale of lottery tickets are forever prohibited.

Sec. 4.—All public printing shall be let or contracted to the lowest responsible bidder, by such executive officers, and in such manner as shall be prescribed by law.

Sec. 5.—The Legislative Assembly shall provide for the protection of the rights of Women in acquiring and possessing property, real, personal, and mixed, separate and apart from their husbands; and shall also provide for their equal rights in the possession of their children.

Sec. 6.—The Legislative Assembly shall establish a system of county and town organizations, which shall be as nearly uniform as practicable throughout the State, and shall provide for organizing new counties, locating county seats, and changing county lines, but no county seat shall be changed, except by a majority vote of the electors of the county, nor any county organized, nor the lines of any county changed so as to include an area of less than four hundred square miles.

Sec. 7.—The Legislative Assembly shall protect by law from forced sale, such personal property as shall be privileged by law, and a certain amount of real estate owned and occupied by heads of families as homesteads.

Sec. 8.—The first session of the Legislative Assembly shall convene at the capitol of the Territory of Colorado. The Legislative Assembly may, at its first or some subsequent session, provide by law for submitting the question of the permanent location of the capitol to the qualified electors of the State, and a majority of all the votes cast at some general election shall be necessary to determine such permanent location thereof.

Sec. 9.—The Legislative Assembly may provide by law for the election of a prosecuting Attorney for each judicial circuit, and his compensation shall be such fees as may be prescribed by law.

ARTICLE XVI.

AMENDMENTS.

Section 1. Propositions for the amendment of this constitution may be made by either branch of the Legislative Assembly; and if two-thirds of all the members elected to each House shall concur therein, such proposed amendments, together with the year and days, shall be entered on the journal; and the Secretary of State shall cause the same to be published in at least one newspaper in each county where a newspaper is published, for three months preceding the next election for Representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting on said amendment, at said election, shall adopt the amendments, the same shall become a part of the constitution.

Sec. 2. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately; and not more than three propositions to amend shall be submitted at the same election.

Sec. 3. When two-thirds of the members elected to each branch of the Legislative Assembly shall think it necessary to call a convention to revise, amend or change this constitution, they shall recommend the electors to vote at the next election of members to the Legislative Assembly, for or against a convention; and if a majority of all the electors voting at such election shall have voted for a convention, the Legis-

lative Assembly shall, at the next session, provide for the same.

SCHEDULE.

Sec. 1.—This Constitution shall take effect upon proclamation of the President of the United States; admitting the State of Colorado into the Union upon an equal footing with the other States. That no inconvenience may arise in the change of government, it is hereby ordained as follows:

First, All Territorial laws now in force, and not inconsistent with this Constitution, shall remain in force until they expire, or be repealed.

Second, All incumbents of County or Township offices under the laws of the Territory, and all who may be elected to such offices under territorial laws at the next general territorial election, shall hold until their successors under this Constitution are elected and qualified.

Third, All indictments, prosecutions and suits, and other proceedings now pending in the courts of the Territory shall be prosecuted to final judgment, and all fines, penalties, and forfeitures, due or accruing to the Territory or to any county therein, shall inure to the State, or to such county as now prescribed by law. All bonds executed to the Territory, or to any officer in his official capacity, shall remain in force, and inure to the use of those concerned.

Fourth, All acts of incorporation for municipal purposes shall continue in force under this Constitution until such time as the Legislative Assembly shall, in its discretion, modify or repeal the same.

Sec 2. The first general Election under this Constitution, shall be held on the second Tuesday in October, in the year one thousand eight hundred and sixty-four, or at such other time as may have been fixed by Congress.

Sec. 3. On the taking effect of this Constitution, all the officers thereby continued in office, shall before proceeding in the further discharge of their duties, take an oath, to support this Constitution.

Sec. 4. No Article or Section of this Constitution, shall be submitted as a distinct proposition, to the vote of the Electors.

Sec. 5.—The Secretary of State shall make use of a private seal until a State seal be provided.

Sec. 6.—All persons offering to vote for the adoption or rejection of the Constitution, may be subject to challenge for disloyalty to the Government of the United States, by any person present at such election. And if any person or persons so challenged shall take the oath of allegiance as prescribed by Congress, such oath to be administered by either of the judges of election, such person or persons shall be deemed qualified to vote; otherwise not.

Sec. 7.—The first session of the Legislative Assembly shall be convened and held as provided in an election ordinance passed by this Convention.

We, the undersigned, members of the Convention to form a Constitution for the State of Colorado, to be submitted to the people thereof, for their ratification or rejection, do hereby certify that the foregoing is the Constitution adopted by the Convention.

In testimony whereof, we have hereunto set our hands, at Denver, the eleventh day of July, A. D., eighteen hundred and sixty-four.

O. A. WHITEMORE,

President of the Convention.

E. M. ASHLEY, Secretary.

T. C. Bergen,	Wm. N. Byers,
James Castillo,	Geo. T. Clark,
Robert Culver,	A. D. Cooper,
H. A. Cumings,	Willard B. Felton,
Robert Douglass,	J. H. Gest,
Juan B. Jaquez,	Eugene F. Holland,
Jose Maria Jaquez,	G. W. Jacobs,
Frank Jennings,	Ferdinand Meyer,
C. North,	W. P. Pollock,
R. Sopris,	Geo. L. Shoup,
E. M. Sprague,	Robert Stubbs,
H. M. Teller,	C. M. Tyler,
L. G. Tubbs,	D. R. Wilson,
Chase Withrow,	Alpheus Wright,
H. E. Easterday,	

AN ORDINANCE

To provide for submitting the Constitution to a vote of the people for adoption or rejection: for holding the first general election under the same, and for other purposes.

WHEREAS, The Congress of the United States did, by an act approved March 21, 1864, authorize the people of the Territory of Colorado to form a State Constitution, and upon its adoption, be admitted into the Union upon the same footing as the original States thereof; and

WHEREAS, A Constitutional Convention, duly elected under the provisions of said law of Congress, has so framed such Constitution, now, therefore, be it ordained:

Sec. 1. That the said Constitution shall be submitted to a vote of the qualified electors of the Territory of Colorado, for adoption or rejection, at a general election, to be held on the second Tuesday of October, A. D., 1864, or at such other time as may have been fixed by law of Congress.

Sec. 2. The laws of Colorado Territory, now in force, for holding elections, shall be the rules and regulations governing and regulating the said election, and the Acting Governor and other officers of the Territory who have supervision of the holding of elections, shall provide for and carry out the same, as they would do in a Territorial election.

Sec. 3. Those favoring the adoption of the Constitution shall cast, at said election, a ballot upon which shall be written or printed the words "For the Constitution;" and those opposed to its adoption shall cast a ballot upon which shall be written or printed the words "Against the Constitution."

Sec. 4.—The first general election of State officers provided for in the Constitution, shall be held upon the same day as is provided for the vote upon its adoption or rejection.

Sec. 5.—*And whereas*, The Constitution of the United States provides that electors of President and Vice President of the United States shall be chosen in each State in such manner as may be prescribed by the Legislature thereof;

And whereas, The law of Congress approved January 23d, 1845, provides that such selection of electors in all the States shall be made on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed—making it difficult, if not impossible for want of time, for provision to be made for an election of Presidential electors by popular election

to be held on the day prescribed by law, Therefore,

Sec. 6. *Be it further ordained:* That the lawful voters of the Territory of Colorado, may at the time of voting upon the Constitution, vote for three persons as nominees to the Legislative Assembly for such electors, and the three persons receiving the highest number of votes for such nominees, may be certified to the Legislative Assembly, by the canvassers of the votes cast at said election, as an expression of the wish of the people of the State, that they be chosen as such Presidential Electors, by the Legislative Assembly.

Sec. 7. The first session of the Legislative Assembly shall convene at the Capitol of the Territory of Colorado, on the first Monday in the month of November, A. D. 1864. And on the following day they shall proceed to provide for by law, and then to choose three electors for President and Vice President, of the United States in accordance with the requirements of the law of Congress aforesaid; giving due heed to the preference expressed by the people.

Sec. 8.—The vote of said first general election may be for a Representative to Congress; three Presidential electors; a full ticket of State officers and members of both houses of the Legislative Assembly as provided for in this Constitution—as well as upon the adoption of the State Constitution—and all of said votes cast by any voter shall be written or printed upon the same ballot.

Sec. 9.—The vote upon all the propositions enumerated shall be canvassed by the Territorial Board of Canvassers, consisting of the acting Governor, the Chief Justice, and Attorney General of said Territory of Colorado; and the result, verified by the certificate of the Governor of the Territory, who shall issue commissions, and call the Legislative Assembly together, as now provided by law under the Territorial organization; and the functions of all Territorial officers shall cease upon the election or appointment and qualification of their successors under the State organization.

By order of the Convention at Denver, July 11th, 1864.

O. A. WHITEMORE,

President.

E. M. ASHLEY, Secretary.

ADDRESS

Of the Territorial Union Central Committee to the people of Colorado.

Fellow Citizens.—Self government has in all ages been esteemed as the highest and noblest privilege to which a liberty loving people could aspire. Efforts for its achievement when denied, have ornamented the pages of history with their highest instances of devotion to liberty, and their noblest examples of heroism. Every successful step in securing popular rights, has been a triumph in the onward march of civilization.

The exercise of the rights of freemen in founding their own permanent government, electing their own officers, and enacting their own laws, has the most elevating, and ennobling influence that can be exerted upon a people. And in proportion to the absence of these privileges, will the people be robbed of their manhood; of their love of country; of the influence which stimulates exertion, and elevates society. In proportion as a people, are governed by powers and influences foreign to their own control are they deprived of their ability to correct their grievances, and to promote their prosperity, and so far are they degraded by the loss of the spirit of enterprise, of laudable ambition, and of earnest devotion to their country.

It is because popular rights in the free States of America, has been so fully secured, that their progress in all that makes a people great, wise, prosperous and happy, has challenged the admiration of the world. It is because there is an absence of those popular rights in the anomalous form of our Territorial Governments, that the enterprising people, who have taken up their residence under them, to better their pecuniary condition in the face of such objections, have always hailed the time of their political restitution with joy and gladness. It is because popular rights are so dear to American citizens, that their restoration so largely tends to promote their prosperity; for few men are will-

ing to forego their enjoyment, even for procuring gain, except it be temporarily.

It is because of the restoration of their popular rights to the people of the Territories, by the establishment of State Governments, that such change has always been followed by an increased tide of emigration and prosperity. The enlightened American citizen, as well as the foreigner who seeks his political rights by emigration to our country, both instinctively hesitate to enter our Territories; and those that do settle in them, do so temporarily or in hopes of an early State organization. Without a permanent Government no country can establish permanent institutions, and without these its settlement will be temporary; its people transient, its society imperfectly organized; and its attraction limited.

With a country beyond comparison in the extent and richness of its mineral wealth; capable of producing wool to clothe and beef to feed an Empire—with unoccupied agricultural resources, more attractive because of its market, than any other in the country. Colorado, if placed in a proper position to induce permanent settlement, and attract the attention from abroad which she deserves, has a future prosperity before her, that the wildest enthusiast has not ventured to predict.

And as the first step in this onward march to greatness must be a permanent Government, we are offered for adoption, the Constitution formed under the authority of Congress. The wisdom and liberality of the General Government, in freely offering us those popular rights, which in other countries are only secured at the point of the bayonet, and through the baptism of blood, ought to inspire in us a more sacred devotion to the Union, which we are permitted peaceably to enter, and a more exalted patriotism to our country.

There may be defects in the fundamental law offered us for adoption, but when such defects are ascertained, there is provided an easy and economical remedy by amendment.

In providing for the high and important privileges to which we are invited, the Constitution has avoided any great expense and consequent heavy taxation by the strictest economy, and by effectually closing the avenues to extravagance and corruption.

The entire increased expense of the State over our present form of government, will not exceed fifteen or sixteen thousand dollars per annum; as shown by the following statement.

ANNUAL EXPENSES.

Governor.....	\$1,000
Secretary and Auditor of State.....	1,000
Treasurer.....	500
Attorney General.....	400
Librarian and Superintendent of Public Instruction.....	1,000
Three Supreme Judges, \$3,000 each.....	9,000
Per diem of 38 members Legislature, \$3 per day for forty days.....	\$4,560
Lieutenant Governor.....	200
Speaker of House.....	200
Mileage, 40 members including Lieut. Governor, 10 cts. per mile.....	850
Officers of Legislature.....	1,500
Public Printing.....	5,000
Incidental expenses of session including stationery, fuel, lights, &c.....	500
Biennial expense of.....	\$12,910
Or annual expense of.....	\$8,455
Contingent expenses of State officers, including fuel, lights, stationery, rent, &c.....	1,500
Total expense.....	\$19,855
Deduct expenses already borne by the Territory—	
Auditor.....	900
Treasurer.....	700
Librarian and Superintendent of Public Instruction.....	1,100
Docket fees of Circuit and Supreme Court, now paid Judges.....	2,500
	\$5,200
Increase of State over territorial expenses.....	\$14,655

The policy of levying a direct tax upon the States and Territories, attempted by the General Government at the beginning of the war, having been abandoned for the system of internal revenue now in full operation in Colorado, no increased taxation from that source on account of State Organization need be apprehended. The only liability to an increase of taxes therefore by the adoption of the Constitution, is the small expense of our home government which has the patriotic merit of being so much relie to the General Government

As inhabitants of a Territory, the people of Colorado are powerless to secure the consideration which their interests demand at the hands of the General Government. It is true they have the poor privilege of sending a delegate to Congress, without a vote on any question. His influence, be he ever so good a man, is far less than a lobby member from a State, for neither delegate nor the people he represents, can command the attention of those in power, for neither have any voice in their election; while the humblest citizen of a State will command the attention of his Senators and Representatives, because he has a voice in their election. Our dependance upon the influence of a delegate in Congress to protect and foster our interests, is virtually a relinquishment of all efficient control over them. According to the custom and management of the General Government, the control of the local affairs of each State are mainly conceded to its Congressional delegation, while each State delegation has its proportionate influence in the general affairs of the country. But the affairs of the Territories are regarded as common property, being outside of the control of their own people, and under the management of the State Delegations, who are not identified with them, and are frequently unmindful of their interests.

No citizen of a State would even think of returning to a territorial form of government, and we can conceive of no good reason why any citizen of a Territory should hesitate to assume his popular rights when offered by the establishment of a State government.

But let us present more in detail for your consideration, those great interests, which, as a Territory, must be neglected, and which, as a State we would have the power to foster and protect.

1st. The preservation of title to our mining property as secured by our mining laws, in which every citizen of Colorado is so deeply interested. That there is danger of these being out off by a Congressional mining code, at the next session of Congress, the people have already been effectually notified. That the Senators and Representatives from the mining States will be able or zealous to protect our interests in this matter—which is peculiar—it is folly to suppose; and if they are so disposed, is it probable that without our co-operative efforts, they will succeed? Is it the part of prudent men to depend on others to do that which they ought to do themselves? Is it not rather

the height of folly to suppose that we may depend on the aid of Senators and Representatives from elsewhere, when we have expressed through the ballot box our unwillingness to aid ourselves? It is therefore but the part of common prudence for the people of Colorado, whose most vital interests are in jeopardy, to avail themselves of the privilege of securing efficient agents to represent them in the National Legislature to guard and protect them.

2d. But the simple protection of our mining interests from unfavorable legislation, is by no means all that the people of Colorado have a right to claim at the hands of the General Government, nor all that with the power of State government they would be able to secure. To foster and develop those interests, is an object of the highest consideration. The establishment of a Mining bureau, through which information in regard to our mines could be diffused through the country, and the making of geological surveys, to direct the prospector to inviting fields, and prevent a loss of time and means in unskilled search, where no reward is to be found, is an object of the highest consideration to Colorado, which might be secured through the influence of a State Government. As a State, Colorado could secure to some of her enterprising citizens appointments to consulates of the mining countries of Europe, through whose influence information in regard to the advantages of Colorado could be diffused in an authentic and reliable shape, and a tide of emigration, and an influx of capital would be the inevitable consequence; and as the mining interest is the basis of all of our prosperity, those influences that tend to protect, foster and develop it, are of the utmost importance to every citizen, and should be carefully looked after, and if possible, secured. Certainly, no good citizen can fail to see the vital importance of securing these advantages, which can only be done by adopting a State Government.

A rejection of the privileges of State Government, with the economical provisions of the Constitution offered us, would instinctively be regarded as a verdict of the People of Colorado themselves, against the value of our mines and the resources of our Territory; and such a verdict would have no other influence than to repel immigration to our country, and discourage investments in our mining property.

3d. The assumption of the power of a State by the people of Colorado is of the

utmost importance to them, for the voice it would give them in the control of the location and management of the Pacific Rail Road. This road is emphatically a Government enterprise. It is to be built under the control of Government, and with the assistance of Government funds, and during all time, will be legally under the control of Congress. If the people of Colorado would exert an influence upon its location, it must be done promptly or it will be too late. Surveys are now in progress, passing entirely around Colorado, and as a Territory, we are utterly powerless in regard to them. As a State we would be able at least to secure a fair consideration of the advantages of a route by way of our settlements. Had we been represented in Congress by a State delegation, no one can doubt that, at the time of the passage of the bill chartering the company, a point on the route might have been secured to Colorado, and even yet, such an influence may be able to secure its location through our settlements; at least in view of the importance of the object, it is worth many times the expense of a State Government, under the Constitution offered us, to make the effort.

4th. The power of the people through a State Government in securing government aid for the construction of a wagon road through the entire length of our Territory, from east to west, by way of the Middle Park, either as a government enterprise or in aid of individual efforts can not be doubted. Such aid has been freely given to other states, and while Colorado has been unable to obtain even an appropriation for a survey of such a route, money has been freely voted by Congress to assist in enterprises of far less importance, and of a more local character in the different states.

5th. By adopting the Constitution the people of Colorado will secure at once, the munificent grant of lands offered in the Enabling Act, for Capital and Penitentiary buildings. By accepting and locating these lands as the Legislature has power to do before the favorable opportunity is lost through prior pre-emption, they may be located upon table lands on the waters of the Platte, Arkansas and the Grand del Norte; so that they may have an abundance of water for irrigation secured to them by law, without any interference with prior rights. They may be so located, by the aid of a competent engineer, that they

can all be properly irrigated, and, by the application of the proceeds of the sale of a portion of the lands to the construction of ditches for their irrigation, it is estimated that at a moderate price for such lands they would yield at least half a million of dollars. Besides this fund, such location would secure extensive and popular agricultural settlements in different parts of the State, without any infringement on prior rights; an object of the highest importance to our prosperity.

6th. By becoming a State at this time the people of Colorado may secure from Congress land grants for Railroads, which are always given liberally to new states, but never to Territories for the construction of roads through different parts of the State. Such grants if located before the valuable lands are generally taken up by settlements, may be immensely valuable.

That portion of our Territory on the plains on the head waters of the Republican and Smoky Hill forks of the Kansas river is now occupied exclusively by Indians, and is destined at no distant day to become the most extensive stock growing country in the world. If railroad grants of lands are secured to the State for those routes before the valuable land is taken up, they would enable the people of Colorado, at no distant day, to enjoy the benefits of other lines of railroad than that of the Pacific, thus securing competition of transportation and travel which of itself would secure to the people of Colorado, annually, many times the amount of the additional expense of a State Government.

7th. By the adoption of a State government at this time, the people of Colorado would secure the grant of lands by Congress for an agricultural college, the acceptance and selection of which at an early day will largely enhance their value. To secure these advantages, a State organization must be had at an early day, and if rejected now, it is not probable that another opportunity will offer for many years to come.

8th. By adopting a State government, the people of Colorado would secure to themselves the power and influence to control (which they cannot otherwise do,) the management of their Indian affairs, and it is a matter of vital interest to the prosperity and safety of our country to settle the Indians in quiet homes on the reservations, and properly extinguish the title to the public lands.

9th. By exerting the power of a State, the people of Colorado could more

effectually control the military defenses, over which they are so powerless as a Territory. The protection of our outside settlements, and of the lines of our communication with the Missouri River, are of such vital importance that no true friend of Colorado will neglect an opportunity to add to his influence over their control.

10th. A State organization would not only secure to the people of Colorado the right to select their own officers from among their numbers, instead of having them sent from abroad, but it would secure to them their full share of government patronage. It would give them eligibility (which as citizens of a Territory are almost wholly denied,) to appointments in the regular army and navy, — in the various departments of the government, in foreign missions and consulates abroad, which are of vast importance in diffusing information as to our advantages, and promoting our prosperity.

11th. A State Government would enable the people, through the proper departments to regulate the mail service, which as a Territory, the experience of the past abundantly proves that they are unable to do. The establishment of post routes and Post offices, so important to an intelligent people, and the regulation of the mail contracts and, the character of the matter to be transmitted by mail, is of the highest importance. With the influence of a State delegation in Congress, it cannot be doubted, but that the onerous restriction on our mail privileges, requiring letter postage on all transient papers and miscellaneous and other mail matter, coming to the people by the Overland route, might and would have been prevented, as is abundantly proved by the fact, that these burthens are only imposed outside of State lines.

12th. The adoption of the Constitution, would enable the people of Colorado to select their own Judges and would transfer a large portion of the business now transacted in the United States Courts to those of the State. Saving the General Government a large sum of money, without materially adding to the expense of State Courts. It would also secure to persons charged with crime, a trial in the County where the crime is alleged to have been committed, and where the witnesses reside, thus saving to the people of the Territory, the expense of going to, and returning from the Courts, at a great distance from their places of abode.

13th. A State Government, would secure to the people more certainly appropriations, a prompt survey of the public lands, and thus enable our enterprising farmers to perfect their titles to their homes.

14th. The adoption of the State Organization by the people of Colorado, would strengthen the powers of the loyal States in Congress, and it may thus determine the fate of the Nation. In these times of rebellion and political revolutions, no loyal man should say, that this support of the principles of right and justice is unnecessary under the most favorable aspect of our National affairs; the right being too strongly in the ascendancy.

15th. It will enable the people of

Colorado to vote for President and Vice President of the United States at the ensuing election, and the vote of Colorado may be the balance of power, that shall determine the contest, and as it is probable that there will be three or more candidates before the people, the election may be thrown into the House of Representatives in which case, the vote of Colorado as a State in the Union, would be equal to that of any other, and might determine the result.

With all of these important considerations in its favor, we earnestly commend to your favorable consideration, the adoption of the Constitution presented by the Convention.

By order of the Central Committee,
LOUDON MULLIN, Chairman.